

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

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FILE UNDER SEAL

UNITED STATES OF AMERICA,

Plaintiff,

RAFAT JAMAL MAWLAWI,
KIMBERLY SHANEKYIA NETTERS,

Defendants.

No. 05-20112 Ma P

18 U.S.C. § 371

Robert R. Di Trollo
CLERK U.S. DIST. CT.
W.D. OF TN. MEMPHIS

INDICTMENT

THE GRAND JURY CHARGES:

At all times material to this indictment:

- A. **Rafat Jamal Mawlawi** was a citizen of the United States.
- B. **Kimberly Shanekyia Netters** was a citizen of the United States.
- C. **Abdelkada Kabouchi** was a citizen of Morocco.

COUNT 1

D. Beginning in or about September 2002, the exact date being unknown to the Grand Jury, and continuing until the present in the Western District of Tennessee and elsewhere, the defendants,

-----**RAFAT JAMAL MAWLAWI**-----
-----**KIMBERLY SHANEKYIA NETTERS**-----

did unlawfully, willfully, and knowingly, conspire, combine, confederate, and agree with each other and other persons known and unknown to the Grand Jury, to commit certain offenses against the United States of America, that is:

(1)

1. To make materially false, fictitious, and fraudulent statements and representations and make and use false writings and documents knowing the same to contain materially false, fictitious and fraudulent statements and entries, in a matter within the jurisdiction of the Immigration and Naturalization Service, a department of the government of the United States, in violation of Title 18, United States Code, Section 1001.
2. To knowingly make under oath, and as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribe as true, false statements with respect to material facts in applications, affidavits, and other documents required by the immigration laws and regulations prescribed thereunder, and knowingly present such applications, affidavits, and other documents which contain false statements and which fail to contain a reasonable basis in law and fact in violation of Title 18, United States Code, Section 1546.

OBJECT, MEANS AND METHOD OF THE CONSPIRACY

E. It was the object of the conspiracy that the defendants and co-conspirators unlawfully obtained, and attempted to obtain a non-immigrant visa, immigrant visa and lawful permanent resident alien status from the Immigration and Naturalization Service (Department of Homeland Security) on behalf of defendant Abdelkada Kabouchi.

F. To accomplish the object of the conspiracy, **Rafat Jamal Mawlawi** recruited **Kimberly Shanekyia Netters** to travel to Morocco, enter into a sham marriage engagement with Abdelkada Kabouchi, and to produce fraudulent applications for fiancé visas in order to allow Abdelkada Kabouchi to unlawfully come to, enter, and reside in the

United States.

G. The defendants did this for their own personal gain, benefit, profit, advantage, and accommodation.

Overt Acts

H. In furtherance of the conspiracy and to effect the objects thereof, at least one of the following overt acts was committed by at least one of the co-conspirators:

1. On or about September 13, 2002, **Rafat Jamal Mawlawi** wrote, and caused to be written, check # 669, payable to **Kimberly Netters**, and drawn on First Tennessee Bank Account #100152476, in the amount of \$900.00.

2. On or about September 15, 2002, **Kimberly Shanekyia Netters** traveled from Memphis, Tennessee to Morocco.

3. On or about September 17, 2002, **Kimberly Shanekyia Netters** returned to the United States.

4. On or about September 20, 2002, **Kimberly Shanekyia Netters** signed, and caused to be signed, an I-129F, Petition for Alien Fiancé.

5. On or about September 26 2002, **Rafat Jamal Mawlawi** and **Kimberly Shanekyia Netters** filed, and caused to be filed, an I-129F, Petition for Alien Fiancé. with the Immigration and Naturalization Service.

6. On or about April 9, 2003, **Rafat Jamal Mawlawi** wrote, and caused to be written, check # 862, payable to the INS, and drawn on First Tennessee Bank Account #100152476, in the amount of \$110.00.

7. On or about April 9, 2003, **Rafat Jamal Mawlawi** and **Kimberly Shanekyia Netters** appealed, and caused to be appealed, the denial of **Kimberly Shanekyia Netters'**

I-129F, Petition for Alien Fiancé.

All in violation of Title 18, United States Code, Section 371.

A TRUE BILL:


FOREPERSON

DATED: 3-31-05


UNITED STATES ATTORNEY